

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 18th day of May, 2009 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Frank Hametner, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT: K. M. Hubert, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT: Darrell Jones, Police Chief
Don Brummett, Acting Public Works Director
Frank Truitt, City Inspector
Rickie Kilgore, Fire Chief

OTHERS PRESENT: Lu & Ralph Arcemont, Jim & Vernes Mills, Jim & Alpha Covington, George Simpson/USCG Aux FL79, Ernie & Olivia Torres, Earl Buckmaster, Rosemary Vega, Jeanne & Randy Hunter, David Underbrink/Naismith Engineering, Dan Moore, Colleen Abshire, Annette Schonhoeft, Steve Peters, Cammie Hyatt, Hannah Coulter, Sonny Wright, JoAnn Biek, Douglas Rives, Beverly Stapleton, Steve Knight/Ti-County EMS

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on May 18, 2009.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. APPROVAL OF RESOLUTION 2009-616 - ORDER DECLARING RESULTS OF CITY’S GENERAL ELECTION.

Mayor Pro Tempore Attaway made the motion to approve Resolution 2009-616 – Order Declaring Results of City’s General Election. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 4. CONSIDER AND ACT ON APPROVAL OF RESOLUTION 2009-617 - ORDER DECLARING RESULTS OF CITY’S SPECIAL ELECTION.

Mayor Pro Tempore Attaway made the motion to approve Resolution 2009-617 – Order Declaring Results of City’s Special Election. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 5. PRESENTATION OF RESOLUTION 2009-618 TO OUTGOING COUNCIL MEMBER PLACE 3 FRANK HAMETNER.

Mayor Knight read Resolution 2009-618 thanking Council Member Hametner for his service to the City as Council Member Place 3.

Council Member Hametner graciously accepted the Resolution and thanked the Council and citizens.

- ITEM 6.** **OATH OF OFFICE AND SWEARING IN ELECTED OFFICIALS BY CITY ATTORNEY ALLEN LAWRENCE:**
- MAYOR TOMMY KNIGHT**
COUNCIL MEMBER PLACE 1 JAY ATTAWAY
COUNCIL MEMBER PLACE 3 PHILLIP HYATT
- City Attorney Allen Lawrence gave the Oath of Office and swore in Mayor Tommy Knight, Council Member Place 1 Jay Attaway, and Council Member Place 3 Phillip Hyatt.
- ITEM 7.** **PRESENTATION OF CERTIFICATE OF ELECTION TO ELECTED OFFICIALS BY CITY ATTORNEY ALLEN LAWRENCE AND SEATING IN THEIR PLACE.**
- City Attorney Allen Lawrence presented Certificates of Election to Mayor Tommy Knight, Council Member Place 1 Jay Attaway, and Council Member Place 3 Phillip Hyatt and seated the Council in their places.
- ITEM 8.** **CONSIDER AND ACT ON APPOINTING MAYOR PRO TEMPORE FOR ENSUING YEAR.**
- After short discussion Council Member Mayer made the motion to appoint Council Member Jay Attaway as Mayor Pro Tempore for the ensuing year. Council Member Abrego seconded the motion and the motion carried unanimously.
- ITEM 9.** **CONSIDER AND ACT ON APPROVING THE MINUTES OF MAY 4, 2009.**
- Council Member Mayer made the motion to approve the minutes of May 4, 2009. Council Member Abrego seconded the motion and the motion carried unanimously.
- ITEM 10.** **PROCLAMATION RECOGNIZING THE NATIONAL JUNIOR RESERVE OFFICER'S TRAINING CORPS (NJROTC).**
- The Proclamation recognizing the National Junior Reserve Officer's Training Corps for their overall achievements and at Drill Competition in Daytona, Florida was read and presented to NJROTC Commander Cortez for the NJROTC Cadets.
- Commander Cortez summarized the Cadets' accomplishments in training and in competition as the Cadets displayed their trophies.
- The Commander and Cadets thanked the citizens and Council for their support.
- ITEM 11.** **PROCLAMATION RECOGNIZING NATIONAL SAFE BOATING WEEK.**
- The Proclamation recognizing National Safe Boating Week was read and accepted by Commander George Simpson, USCG Aux FL79. Commander Simpson thanked the Council for their support.
- ITEM 12.** **PRESENTATION OF CITY'S 2007-2008 FINANCIAL AUDIT.**
- Mike Arnold presented the City's 2007-2008 financial audit to the City Council stating that he had issued an unqualified or clean opinion of the audit.
- Mr. Arnold gave a brief summary of the audit.
- ITEM 13.** **CONSIDER AND ACT ON AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND THE SAN PATRICIO MUNICIPAL WATER DISTRICT RELATING TO THE CONSTRUCTION AND MAINTENANCE OF A TWENTY-FOUR INCH WATER LINE IN THE RIGHT-OF-WAY OF BEASLEY AVENUE AND ALL MATTERS IN CONNECTION THEREWITH.**
- The City Attorney gave a short explanation of the Interlocal agreement before the Council regarding a 24-inch transmission water line to be run on Beasley Avenue.
- Mayor Pro Tempore Attaway made the motion to approve the Interlocal Cooperative Agreement between the City of Aransas Pass and the San Patricio Municipal Water District Relating to the Construction and maintenance of a twenty-four inch water line in the right-of-way of Beasley Avenue. Council Member Mayer seconded the motion and the motion carried unanimously.
- ITEM 14.** **CONSIDER AND ACT ON APPROVAL OF AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH NAISMITH ENGINEERING FOR CONSTRUCTION DRAWINGS AND SPECIFICATIONS FOR A NEW PARKING LOT FOR THE ARANSAS PASS CIVIC CENTER.**

Council Member Abrego stated the Aransas Pass Municipal Development District (APMDD) had approved the agreement with Naismith Engineering for the parking lot construction on Seventh Street at the APMDD's last meeting.

Council Member Mayer made the motion to approve an agreement for Professional Engineering Services with Naismith Engineering for construction drawings and specifications for a new parking lot for the Aransas Pass Civic Center. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 15. CONSIDER AND ACT ON APPROVING HARBOR LEASE NO. 2009-001 FOR JOHN CHANDLER DBA CHANDLER'S OUTBOARD.

Mayor Knight stated Mr. Chandler had requested the Harbor lease be tabled as he wanted a longer lease period.

Mayor Pro Tempore Attaway made the motion to table Item 15 until the next Council meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 16. CONSIDER AND ACT ON REQUEST OF DOUGLAS RIVES DBA KRAZY KAJUN BAITHOUSE TO TERMINATE HARBOR LEASE NO. 2008-005.

Council Member Mayer made the motion to approve the request of Douglas Rives dba Krazy Cajun Baithouse to terminate Harbor Lease No. 2008-005. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 17. CONSIDER AND ACT ON APPROVING HARBOR LEASE 2009-002 FOR CAPTAIN NORRIS MACHOST AND ELENA CASEY DBA BAIT SHACK.

Mayor Knight stated Captain Machost and Elena Casey had asked that Ms. Casey's name not be included on the Harbor Lease.

Mayor Pro Tempore Attaway made the motion to approve Harbor Lease 2009-002 for Captain Norris Machost dba Bait Shack. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 18. CONSIDER AND ACT ON APPROVING ADDENDUMS EXTENDING AGREEMENTS BETWEEN THE CITY OF ARANSAS PASS AND VENUEWORKS FOR MANAGEMENT, CATERING, RENTAL LEASE.

Council Member Abrego stated she had discussed the services VenueWorks provided to Civic Center Executive Director Annette Schonhoeft and recommended the contract be extended for five years with the 180 days out-clause.

Council Member Mayer made the motion to approve addendums extending agreements between the City of Aransas Pass and VenueWorks for the management, catering, and rental leases. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 19. CONSIDER AND ACT ON FINAL PAYMENT TO TKO FOR ARCHITECTURAL SERVICES FOR ARANSAS PASS CIVIC CENTER.

Mr. Orf thanked the Council for their support during the planning and construction of City Hall and the Civic Center.

Mayor Pro Tempore Attaway made the motion to approve final payment to TKO for architectural series for the Aransas Pass Civic Center. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 20. CONSIDER AND ACT ON APPROVING TEAL CONSTRUCTION CHANGE ORDER NO. 11 (CIVIC CENTER).

Council Member Abrego made the motion to approve Teal Construction Change Order No. 11 for the Civic Center. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 21. CONSIDER AND ACT ON APPROVING TEAL CONSTRUCTION PAY APPLICATION NO. 15 (CIVIC CENTER).

Terry Orf stated there were electrical problems with the lighting system in the Civic Center auditorium and recommended the Council table approving Teal Construction's Pay Application No. 15 for the Civic Center.

Mayor Pro Tempore Attaway made the motion to table Item 21. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 22. CONSIDER AND ACT ON APPROVING TEAL CONSTRUCTION PAY APPLICATION NO. 8-RETAINAGE (CITY HALL).

After a short discussion Mayor Pro Tempore Attaway made the motion to approve Teal Construction's Pay Application No. 8 for retainage on City Hall in the amount of \$42,016.71. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 23. CITIZENS' COMMENTS.

James Mills, Chaplin of the Aransas Pass Volunteer Fire Department stated the Department had bought radios and had applications for more volunteers pending.

ITEM 24. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Mayor Knight announced that at the written request of City Manager Kandi Hubert the Executive Session would be open.

Executive Session convened in open session at 7:50 p.m.

A Section 551.074 Deliberations Regarding Personnel – Evaluation of City Manager

Mayor Pro Tempore Attaway stated when the Council had evaluated Ms. Hubert three months ago (February 16, 2009), the Council had discussed spending and raising her voice to employees, possibly. He asked Ms. Hubert did she recall that?

Ms. Hubert stated sure.

Mayor Pro Tempore Attaway stated he understood that had not changed. He stated when the Council interviewed Ms. Hubert, one of the selling points were, as far as he was concerned, some of the answers she had given as to her ability to handle the City's finances.

Ms. Hubert stated yes, sir.

Mayor Pro Tempore Attaway stated (Ms. Hubert had said) she would stay within the budget; she would not spend any money that the City did not have in the bank...

Ms. Hubert stated that was very true.

Mayor Pro Tempore Attaway continued, saying there were a couple of areas that had kind of gotten out of control on spending, one of them being the amount of money expended on dealing with annexation which was not budgeted and has had turned out to be, as far as he was concerned, a rather large amount of money.

Ms. Hubert stated she agreed with Mayor Pro Tempore Attaway one-hundred percent, but she believed that was at Council's direction.

Mayor Pro Tempore Attaway stated he did not remember approving anything remotely resembling the amount of money that was spent, which was over \$100,000.00.

Ms. Hubert stated they had spent \$88,000.00 and the last bill just came in and the bill was all for the expenditures in the questions and answers that the Council requested from Mr. Naismith because she asked for nothing that was not asked by the Council.

Council Member Mayer stated she thought, on some of the annexation, that some of the work could have been done in-house, that Ms. Hubert could have done some of the work.

Mayor Pro Tempore Attaway stated he would have guessed the amount spent might have been anywhere from \$10,000.00 to \$20,000.00, but he had no idea that they (the City) was going to spend that much money.

Ms. Hubert stated they (the City) had spent \$80,000.00 and he could go back to the minutes where the Mayor had asked our (the City's) representative to go and check those out.

Mayor Pro Tempore Attaway asked Ms. Hubert did she follow their (Naismith's) progress closely and get reports on what the annexation work was costing?

Ms. Hubert stated yes, sir and as you were given. She stated yes, sir, sure did.

Mayor Pro Tempore Attaway stated in one Executive Session, when real estate was discussed and that subject (cost for the annexation work) came up, that was when the \$60,000.00 number came up and that was the first he had heard about it (the cost). He stated he thought a couple other Council Members were surprised too.

Ms. Hubert stated it (the cost) was \$62,000.00 and they (Naismith) were requested to go through the books (County tax records) and give figures we thought may be able to justify the cost of the annexation and for the CNN (Certificate of Need and Necessity).

Mayor Pro Tempore Attaway stated the City employed Mr. (Harley) Coggins to do some cleanup work on Conn Brown Harbor. He stated it has been a mutually good deal for the City and Mr. Coggins. He asked Mayor Knight would he agree?

Mayor Knight stated Mr. Coggins had done a lot of work for not a whole lot of money where the City was concerned. He stated the City gave Mr. Coggins a lot of stuff in lieu of payment. He stated Mr. Coggins had charged for some of his work.

Mayor Pro Tempore Attaway stated Mr. Coggins was cleaning out a building at JBS (former JBS Packing Company lease property) and there was cans of paint and oil booms (on the property). He stated Mayor Knight was present when Mr. Coggins was talking to the GLO (General Land Office) land man.

Mayor Knight stated the GLO land man had told him to put them (oil booms) in a dumpster.

Mayor Pro Tempore Attaway stated he (GLO land man) said if they (oil booms) were not dripping with oil you could put them in a dumpster. He stated Mr. Coggins had told Mayor Knight that he would remove the paint from the (JBS) property to his property and dispose of the oil booms in the dumpster as the GLO land man gave his approval. He stated (speaking to the City Manager) the Mayor called you and informed you of that.

The City Manager stated he certainly did.

Mayor Knight stated he thought the City had spent \$10,000.00 to get this handled.

Mayor Pro Tempore Attaway stated (speaking to the City Manager) and you called an environmental company and had them do it and we spent over \$10,000.00.

The City Manager stated she believed we were told we could not put those in (the dumpster) and they (Allied Waste) were not going to take them, the oil booms, our hauler (Allied Waste) would not take the oil booms so we had to call someone to take them. She stated as for the paint, we go rid of it in various and sundry ways. She stated they (Allied Waste) would not take the liquid paint.

Mayor Pro Tempore Attaway stated we were talking about Mr. Coggins taking the paint.

The City Manager stated she believed Mr. Coggins was requested to do that several times.

Mayor Pro Tempore Attaway stated the point he was making was Mr. Coggins was going to do that (take the paint) and put the oil booms in a dumpster because they had no oil in them, they were not dripping with oil.

Mayor Knight stated he was informed by City employees there was no oil present on the oil booms. He stated put them in a bag, put them in a dumpster to haul them off, that was what he was told.

Mayor Pro Tempore Attaway stated (speaking to the City Manager) so you called the environmental company and had them do it.

The City Manager stated she was informed otherwise by the Public Works Director, that there was oil (in the oil booms) and they were leaking and they (Allied Waste) would not take them.

Mayor Pro Tempore Attaway stated that was the first he had heard of that.

Mayor Knight stated me too.

Mayor Pro Tempore Attaway asked Don Brummett, Acting Public Works Director, was that right or wrong?

Mr. Brummett stated that was correct, when his workers went to take the oil booms out of the 55 gallon drums the diesel and stuff was dripping off of them. He stated the oil booms were dry to about two feet down in the barrel but everything under that was full of

diesel and oil. He stated Harley Coggins told him that he (Mr. Brummett) would have to take the paint, he (Mr. Coggins) was not going to get rid of it.

Mayor Knight stated that was not what Mr. Coggins had told him.

Mayor Knight stated Reverend Keith with Habitat for Humanity had told him that he would not work with Ms. Hubert and wanted no contact with her. He stated he (Rev. Keith) was one of the nicest people he had ever met. He stated that was not hearsay; that was what Rev. Keith had told him.

Ms. Hubert stated she believed that to be true.

Mayor Knight stated Rev. Keith had told him it was because of the way Ms. Hubert had talked to him when they initially met.

Ms. Hubert stated when they (she and Rev. Keith) initially met he asked her for some property and she had told him "sir, I cannot just give you property; the U.S. Constitution says we can't donate the property" and I did say that. She stated because the Texas Constitution says we cannot donate, but we also said that we would look for a cost effective piece of property and give them that they could purchase, but Article 52 of the Constitution says thou shall not donate.

Council Member Mayer stated he (Rev. Keith) already knew that, because we (the Council) were looking at property.

Mayor Pro Tempore Attaway stated we already had a deal cut with him (Rev. Keith).

Mayor Knight stated the County Attorney was on his (Rev. Keith's) Board of Directors and thought he knew as much as anyone sitting up there except for maybe the City Attorney. He stated he (Rev. Keith) was very upset, to the point that he does not want to deal with City Hall.

Ms. Hubert stated they (Habitat for Humanity representatives) called again and she talked to them on the night of the "Habitat for Humanity" (banquet) because one of our residents stated they would buy the piece of property they had picked out and give it to them.

Council Member Mayer stated she did not think it had to do with buying the property; she thought it was the language that was being used. She asked Mayor Knight was that right?

Mayor Knight stated Rev. Keith did not elaborate, he is a minister and Mayor Knight did not think Rev. Keith wanted to get into language. He stated Rev. Keith told him that he could not and would not deal with the City Manager on Habitat for Humanity. He stated Rev. Keith did not go into detail, Rev. Keith said he did not like the way the City Manager talked to him. He stated Rev. Keith knew the City could not give them property, but could take a bid of \$1.00 or \$10.00.

Ms. Hubert stated had he (Rev. Keith) brought anything up, she would have been more than happy to apologize to him. She stated she had no idea he was offended.

Council Member Mayer asked Ms. Hubert was rough language used during that conversation?

Ms. Hubert stated absolutely not.

Council Member Mayer asked Ms. Hubert are you sure?

Ms. Hubert stated yes.

Council Member Mayer stated (to Ms. Hubert) there must be a reason why he (Rev. Keith) will not talk to you again.

Ms. Hubert stated she had no idea, she would have to ask him (Rev. Keith). She stated she would certainly apologize, she had talked to all of them at the Habitat for Humanity gala.

Council Member Mayer stated her concern was when they had Ms. Hubert's interview, Ms. Hubert had said if we did not have it in the budget, we would not spend it. She stated she had noticed in the last financial statement that they had a brand new department, the Building Maintenance Department, which the Council did not authorize. She stated she knew, in the Charter, the City Manager could make new categories, but the City is in a tough time now, we have three janitors working. She stated she did not think the City needed a building maintenance department added, plus they had a receptionist that was not in the budget.

Ms. Hubert stated because the Council wanted to double up on the code enforcement, there were two Code Enforcement Officers servicing the town. She stated she had hired a woman from Experience Works which charged the City absolutely nothing. We had good reports on the fact that we had a receptionist.

Council Member Mayer stated that was not her point, her point was it was not in the budget, not for a receptionist.

Ms. Hubert stated you had cleaning people in the budget.

Council Member Mayer stated for one (cleaning person) and not for eight hours a day.

Ms. Hubert stated throughout all your departments you had cleaning people. She stated prior to putting it in, prior to hiring...

Council Member Mayer stated she (Ms. Hubert) did not ask the Council.

Ms. Hubert stated no, because it was not supposed to be a department unto itself. She stated she could change that and put it (building maintenance department) back under Public Works, but there was money in the budget.

Council Member Mayer stated all they (janitors) do at the Library is clean the restrooms and, maybe, clean the windows. She stated she did not see, for three people, having to take care of the Fire Department; they can take care of themselves. She stated the Police Department and City Hall do not need three people (janitors) working, we should be saving money. She stated as she had said at the City Manager's last evaluation "no new hires."

Ms. Hubert stated in the budget, you have janitorial services for City Hall which has now increased to twice (the size as before). She stated it was told to her by the Financial Director that we intended to hire a (janitorial) service that would come to clean) and that had not been bid yet. She stated they were utilizing the money that we would have used for service on two gentlemen that we have hired at \$0.20 over minimum wage and another gentleman. She stated so far they have painted, one is a licensed plumber who has fixed the restroom in the Library, who has painted all the Library, and has stripped the floors in all departments, has taken over the brunt of cleaning the Police Department and cleaning the Pool, so that money will be divided out (among the departments).

Council Member Mayer stated the Pool people had always taken care of themselves. She stated the Pool people can take care of themselves; Public Works can take care of themselves; the Fire Department can take care of themselves. She stated she did not think it took three people. She stated what she was getting at was that category, building maintenance, was not in the budget. She stated we do not have the money for it and we don't have the money for the reception area.

Ms. Hubert stated prior to hiring any of them, she asked the Financial Director if there was money in the budget to be able to cover it. She stated if Council Member Mayer would like her to eliminate those positions, she would be glad to do that, this was the first time she had heard about it.

Council Member Mayer stated she was just going back to Ms. Hubert's interview when she said if it was not in the budget, they would not go over (the budget) or do anything.

Ms. Hubert stated as of this time, it is being taken out of the janitorial budget.

Council Member Mayer stated but you have a brand new category for that (building maintenance).

Mayor Knight stated the City was looking at a huge deficit this year.

Ms. Hubert stated she did not believe that, right now you are 7% up on your sales tax, you've gotten 80% of your ad valorem taxes coming in. She stated they were working on increasing their franchise fees. She stated right now, they were in very good shape and they just put back \$121,000.00 for their Capital Fund.

Mayor Pro Tempore Attaway asked this financial statement we got Friday included the first six months of our fiscal year?

Ms. Hubert stated yes, sir.

Mayor Pro Tempore Attaway stated there was a column (in the financial statement) on page 1, the overview, budget balances, revenue over/under expenditures, there is a figure for almost \$579,000.00. He stated he had called Karen (Council Member Mayer)

to check on the figure for him. He stated that was the projected deficit to the end of the fiscal year if we continue at the pace we are on.

Ms. Hubert asked and you are where?

Mayor Pro Tempore Attaway stated he was on page 1 of General Fund.

Ms. Hubert asked Mayor Pro Tempore Attaway did he get his sheet for the front part?

Mayor Pro Tempore Attaway stated he was talking about page 1, the overview of everything.

Ms. Hubert asked that is here-to-date? She asked he had here-to-date actual of \$3,862,511.00?

Mayor Pro Tempore Attaway stated the Financial Director said that number was the projected deficit to the end of the year if things continue as they are now.

Ms. Hubert stated when she talked to the Finance Director today, she said we were in fine shape. She stated she had talked to the Finance Director today at 4:30 this afternoon in Ada's (City Secretary) office.

Council Member Mayer stated these figures were not showing it.

Ms. Hubert stated these (figures) were as of March.

Council Member Mayer stated true.

Mayor Pro Tempore Attaway asked Council Member Mayer you talked to her (Finance Director) today?

Council Member Mayer stated yes, I did.

Mayor Knight asked Council Member Abrego did she have anything of offer?

Council Member Abrego stated her experience with Ms. Hubert had been good, any questions she had asked Ms. Hubert had answered. She stated if Ms. Hubert did not know, she came forward to say she would do some research. She stated the last time they had spoke was about fire hydrants and Ms. Hubert had done some research on that. She stated she knew the Council had talked at a prior evaluation as far as keeping tabs on the budget. She stated she was worried about information, about you (Ms. Hubert) are told one thing and something else is told to the Council. She stated as a City Hall we needed to work together. She stated they need to give you (Ms. Hubert) the same response. "We are going into the minus," that is what she (Ms. Hubert) was told by the Finance Director, you (Ms. Hubert) spoke with her (Finance Director) today and she (Finance Director) told you (Ms. Hubert) everything was fine.

Council Member Mayer stated it was on the page (of financial report), right here.

Council Member Abrego stated she knew; she was just making sure.

Ms. Hubert stated as of year-to-date right now, year-to-date actual \$3,862,511.00.

Council Member Mayer stated we were talking about the budget balance.

Ms. Hubert stated she was too, the actual we had expended (was) * three million, two hundred thirty-two thousand, four hundred forty-one thousand, seven hundred seventy seven cents, those were the actual figures which gave us a revenue of over/under, we have a \$630,069.06 which is a projection, the budget balance must be a projection because it does not reflect the actual figures. (* Note: actual figure from financial statement is \$3,232,441.77)

Mayor Pro Tempore Attaway stated he said it was a projection.

Council Member Mayer stated the total revenue says \$2,771,000.00; the total expenditures are \$3,350,000.00 leaving a deficit of \$578,000.00.

Ms. Hubert stated well, let's bring Sandy (Finance Director) in at the next meeting because these are projections and she did not know what figures she (Finance Director) used to project them.

Council Member Mayer stated this (the figures) were strictly off the machine (computer), she (Finance Director) did not do anything, this is an Incode program and it (the statements) come off the program.

Ms. Hubert stated she knew the actual figures don't...

Council Member Mayer asked Ms. Hubert did she notice this when she talked to her (Finance Director) this afternoon?

Ms. Hubert stated when she talked to her (Finance Director), she said we were in good solid shape.

Council Member Mayer stated I know, but did you look at these figures and ask her about them?

Ms. Hubert stated she had looked at the actual figures instead of the projections.

Council Member Mayer stated this was a whole page.

Ms. Hubert stated absolutely, she focused on the actual projections.

Council Member Mayer stated we need to go through the other way too, what's going to happen at the end of the year, we still had six more months to go as of this report.

Mayor Knight stated to Council Member Hyatt that this was his first meeting and asked did he have anything to say?

Council Member Hyatt stated he thought he should abstain from this one.

Ms. Hubert stated she would be glad to ask Sandy to come to the next meeting.

Mayor Knight stated he had been talking to the Finance Director and he did not like what was going on. He stated he did not like the people at City Hall (employees) being on pins and needles, he did not like the way Ms. Hubert talked to them; he did not like the employees calling him complaining about how she treated them; and a bunch of them are about to quit. He stated going in, he had told Ms. Hubert to treat them (employees) nicely and she had told him she would be firm but fair. He stated he did not think she had been fair with them and he was not at all happy.

Ms. Hubert stated she believed she had the respect and the affection of 9/10 of City Hall.

Mayor Knight stated he believed she did not, that was his opinion.

Council Member Mayer stated she went back to the language that she had reminded Ms. Hubert about on the first evaluation. She stated she did not think that had stopped either. She stated it was not a good thing, to be saying bad language to the employees.

Ms. Hubert stated she did not know of any bad language she had said.

Council Member Mayer stated that was what she had said the last time.

Ms. Hubert stated she still did not, because after that she had asked the employees and was told it (using bad language) had not happened. She asked why would they lie to me?

Council Member Mayer stated because they did not want to get fired.

Mayor Knight stated because they are afraid of their jobs.

Ms. Hubert stated she did not honestly know any that were afraid of their jobs.

Mayor Knight stated a number of them called him.

ITEM 25. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Regular Session at 8:15 p.m.

A Section 551.074 Deliberations Regarding Personnel – Evaluation of City Manager

Mayor Pro Tempore Attaway stated when the Council hired Ms. Hubert they agreed to evaluate her after 90 days and after 180 days. He stated he was not happy with what had been going on, therefore, as a result of this evaluation...

Mayor Pro Tempore Attaway made the motion that the Council discontinue the employment of Ms. Hubert as the City Manager and pay her two weeks severance pay, effective immediately. Council Member Mayer seconded the motion.

